

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JOFFRE M. MATTERA, :
 :
Plaintiff, :
 :
-against- :
 :
JP MORGAN CHASE CORP., and :
JOHN F. O'NEILL, JR. (in his Official and :
Individual capacities pursuant to :
NYEL §§ 290 *et seq*), :
 :
Defendants. :
-----X

CV: 08-4040 (RJH)

PROPOSED SCHEDULING ORDER

A. Description of the Case

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| <p>i. SCOTT MICHAEL MISHKIN, P.C.
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<i>Attorneys for Defendant JPMorgan Chase Bank, N.A. (erroneously sued herein as JP Morgan Chase Corp.</i></p> |
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ii. This Court has Federal Question Jurisdiction over this matter pursuant to 28 U.S.C. § 1331 as this matter is raised under 29 U.S.C. §§ 621 *et seq.* and 42 U.S.C. §§ 2000e *et seq.*

iii. The claims asserted by Joffre M. Mattera ("Plaintiff") are discrimination on the basis of age pursuant to the Age Discrimination in Employment Act ("ADEA") and retaliation for Plaintiff's participation in protected activity pursuant to Title VII of the Civil Rights Act of 1964 ("Title VII"). Plaintiff has also asserted state law claims of age discrimination and

retaliation under New York Executive Law, New York Human Rights Law §§ 290 *et seq.* (“NYEL”).

iv. The major legal and factual issues in this case are (1) whether Plaintiff was discriminated against on the basis of age by his employer, Defendant JP Morgan Chase Corp. and Plaintiff’s immediate supervisor, Defendant John F. O’Neill, Jr. (collectively referred to as “Defendants”) when Plaintiff was treated differently from similarly-situated employees at Defendant by being subjected to increased scrutiny and supervision of his work, being forced to submit to terms and conditions of employment that were not required of others, being forced to do work under the pay and experience level attained by Plaintiff, and by Plaintiff’s unjustified termination without cause or reason; and (2) whether the Defendant unlawfully retaliated against Plaintiff when just hours after Plaintiff complained of age discrimination to Defendants’ Human Resource Department, Defendant terminated Plaintiff’s employment without cause or explanation.

v. The relief sought by Plaintiff includes a money judgment for actual, compensatory, emotional, and liquidated damages for Defendants’ violations of the ADEA. Plaintiff further seeks actual, compensatory, emotional and punitive damages for Defendants’ age discrimination against Plaintiff in violation of the NYEL. Additionally, Plaintiff seeks actual, compensatory, emotional and punitive damages for Defendants’ unlawful retaliation against Plaintiff in violation of Title VII and the NYEL.

B. Proposed Case Management Plan

- i. There are currently no pending motions with the Court in this matter.
- ii. The deadline for joinder of any additional parties shall be August 15, 2008.

- iii. The deadline for amending pleadings shall be August 15, 2008.
- iv. Discovery Schedule:
 - c. Rule 26(a)(1) Disclosures shall be completed by August 1, 2008.
 - d. Fact discovery shall be completed by December 31, 2008.
 - e. Rule 26(a)(2) Disclosures shall be completed by October 1, 2008
 - f. All expert discovery, including dates for delivery of expert reports shall be completed by December 31, 2008.
- v. Dispositive motions shall be filed by February 27, 2009.
- vi. A joint pre-trial order shall be filed by February 27, 2009, or in the event a dispositive motion is filed, 30 days from the court's determination of the dispositive motion.
- vii. Trial Schedule
 - c. Plaintiff requests a jury trial on all claims.
 - d. The expected length of a trial is five (5) working days.
 - e. This matter will be ready for trial by July 1, 2009.

C. Consent to Proceed Before a Magistrate Judge

The parties do not consent to proceed before a Magistrate Judge.

D. Status of Settlement Discussion

- i. Settlement discussions have not occurred.
- ii. Not applicable

iii. The parties do not request a settlement conference at this time.

Dated: Islandia, New York
May 27, 2008

Respectfully submitted,

SCOTT MICHAEL MISHKIN, P.C.

/s/

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